

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DOLAN MECHANICAL, INC.	:	
	:	CIVIL ACTION
Plaintiff,	:	NO. 21-3020
	:	
v.	:	
	:	
THACKRAY CRANE RENTAL, INC.	:	
	:	
Defendant.	:	

**O R D E R**

**AND NOW** this **18th** day of **August, 2022**, upon consideration of the cross-motions for summary judgment filed by Defendant Thackray Crane Rental (ECF No. 41) and Plaintiff Dolan Mechanical (ECF No. 42), and the responses thereto, and for the reasons stated in the accompanying memorandum, it is hereby **ORDERED** that:

1. Defendant's motion for summary judgment (ECF No. 41) is **DENIED**.

2. Plaintiff's motion for summary judgment (ECF 42) is **GRANTED in part** and **DENIED in part** as follows:

a. summary judgment is **GRANTED** in favor of Dolan and against Thackray on Count III of Dolan's complaint and on Thackray's Counterclaims I, III, VI, and V; and

b. summary judgment is **GRANTED in part** and **DENIED in part** in favor of Dolan on Thackray's Affirmative Defense 6 to the extent that, while there is a genuine dispute of material

fact regarding whether Dolan is bound by the terms on the warehouse receipts, regardless, Dolan's damages are not capped by the damage limitation term therein.

It is further **ORDERED** that by **September 2, 2022**, in preparation for a final pretrial conference, the parties shall submit to the Court a list of remaining issues for trial and any requests for a settlement conference.

**AND IT IS SO ORDERED.**

/s/ Eduardo C. Robreno  
EDUARDO C. ROBRENO, J.